



# Department of Justice

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## **TWO LABOR COMPANIES, THREE INDIVIDUALS CHARGED WITH HARBORING ILLEGAL ALIEN WORKERS AND CONSPIRING TO LAUNDER \$12 MILLION**

*Defendants allegedly provided more than 1,000 illegal workers to national air cargo firm*

CINCINNATI – A federal grand jury here has returned a 40-count criminal indictment charging two temporary labor companies, the president of these companies and two of their corporate officers with violations related to a large-scale illegal alien employment and money laundering scheme.

The defendants named in the indictment are:

- **Garcia Labor Company, Inc.**, a temporary labor service company incorporated in Morristown, Tennessee;
- **Garcia Labor Company of Ohio, Inc.**, a temporary labor service company based in Wilmington, Ohio;
- **Maximino Garcia**, president and co-owner of the two companies;
- **Dominga McCarroll**, sister of Garcia and former vice president of the two companies;
- **Gina Luciano**, director of Human Relations for Garcia Labor Company in Tennessee

Gregory G. Lockhart, United States Attorney for the Southern District of Ohio, Julie L. Myers, Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE), and William Cotter, Special Agent in Charge, U.S. Social Security Administration Office of Inspector General, Chicago Region, announced the indictment which was unsealed today when the defendants appeared before U.S. Magistrate Judge Timothy S. Hogan.

The indictment alleges that the Garcia Labor Company Inc. and Garcia Labor Company of Ohio, Inc (together known as Garcia Labor Companies) entered into a contract in December 1999 to provide temporary workers to sort freight for ABX Air, Inc., an independent and publicly traded company that provides air cargo transportation services nationwide from its base in Ohio and 18 hubs throughout the country. As part of its contract, Garcia Labor agreed that it all workers would be in compliance with applicable laws.

According to the indictment, Garcia Labor and the other defendants instead knowingly employed illegal aliens and provided them as contract workers to ABX Air and other companies. From December 1999 until about January 2005, the defendants caused more than 1,000 illegal workers to be employed sorting freight at ABX Air, knowing that these employees were not authorized to work in this country.

“Today’s indictment reflects the cooperative effort between all appropriate federal agencies to investigate allegations of illegal labor activity in the United States,” Lockhart said.

“The U.S. Department of Labor and the Transportation Security Administration also played key roles in providing information and assistance with the investigation.”

“Companies that utilize cheap, illegal alien labor as a business model should be on notice. ICE is dramatically enhancing its enforcement efforts against employers that knowingly employ illegal aliens,” said Julie Myers, Assistant Secretary for U.S. Immigration and Customs Enforcement (ICE). “Criminal indictments like the one unsealed today are the future of worksite enforcement.”

As part of the conspiracy, the indictment alleges that Maximino Garcia provided rental housing at two apartment buildings he owned in Wilmington, Ohio, for the illegal aliens he employed for contract work.

The Social Security Administration notified Garcia in May 2003 and April 2004 that several hundred of his employees were using Social Security numbers that were invalid or did not match SSA records, but he and his companies continued to employ these same workers, the indictment alleges. In addition, a former employee of Garcia Labor notified defendant McCarroll that the employees were working in the country illegally, but the defendants continued to employ the illegal aliens.

In January 2005, the Transportation Security Administration conducted a regulatory compliance audit and inspection of ABX Air and the Wilmington Air Park. As a result of that inspection, virtually every Garcia Labor employee working at ABX Air under the contract to sort freight in the sort/ground department was terminated after it was determined that each employee was using a Social Security account number that was invalid or otherwise did not match records of the SSA.

The indictment alleges that most of the aliens were Mexican citizens and that 90 percent of the aliens presented fraudulent Resident Alien cards and Social Security cards in order to complete the I-9 Employment Eligibility Verification Form for employment by Garcia Labor Companies.

In addition, the indictment alleges that defendants Garcia and McCarroll conducted financial transactions in the amount of more than \$12 million that represented proceeds of harboring, transporting, and inducing aliens to reside and remain in the United States illegally.

All defendants are charged with one count of conspiracy to induce illegal aliens to reside in the United States and one count of conspiracy to commit money laundering. In addition, Maximino Garcia is charged with 16 counts of inducing illegal aliens to remain in the United States and 19 counts of harboring illegal aliens. Luciano is charged with 14 counts of inducing illegal aliens to remain in the United States, three counts of transporting illegal aliens, and three counts of harboring illegal aliens.

Each of the immigration charges carries a maximum punishment of ten years imprisonment and a fine of \$250,000. Money laundering conspiracy has a maximum punishment of 20 years imprisonment and a fine of up to \$500,000. Upon conviction, actual sentences will be determined by the judge. Actual sentences are often less than the statutory maximum, according to the circumstances of the conviction.

An indictment is merely an accusation. All defendants are presumed innocent of the charges and it is the government’s burden to prove a defendant’s guilt beyond a reasonable doubt at trial.